

APPENDIX 15

TO THE ANNEX TO THE

GENERAL AGREEMENT FOR ECONOMIC, TECHNICAL AND  
RELATED ASSISTANCE  
BETWEEN  
THE GOVERNMENT OF THE UNITED STATES OF AMERICA  
AND  
THE GOVERNMENT OF THE REPUBLIC OF COLOMBIA

PROJECT: MODIFICATION TO THE NAVAJO AIRCRAFT (ARC-508)  
ASSIGNED TO THE COLOMBIAN MINISTRY OF NATIONAL DEFENSE -  
COLOMBIAN NAVY

Under the Annex to the General Agreement for Economic, Technical and Related Assistance between the Government of the United States of America and the Government of the Republic of Colombia, signed on September 27, 2000 (the "Annex"), the Government of the United States of America agreed to furnish financial, material, economic, technical and related assistance to the Government of the Republic of Colombia designed to strengthen the capability of the Government of the Republic of Colombia in support of the 1988 United Nations Convention Against Illegal Traffic in Narcotic Drugs and Psychotropic Substances, to which both Colombia and the United States are signatory parties, the Plan Colombia national strategy, and the Government of the Republic of Colombia's National Plan to Combat Drugs.

By means of this Appendix, and as contemplated by Section II (Project Description) of the Annex, the Government of the United States of America and the Government of the Republic of Colombia (each individually a "Party" or, collectively, the "Parties") agree to a project to modify one Colombian Navy Navajo aircraft for use in maritime interdiction and intelligence operations and other related project activities. This Appendix sets forth the actions to be taken, resources to be provided, and the evaluations, verifications, audits and additional administrative and fiscal controls required to implement the project according to the laws and regulations of the Parties. This Appendix is incorporated into the Annex, and the rights and obligations contained in the Annex extend to this Appendix and its Sub-Appendices.

## **I. Strategic Objective to be supported:**

The following strategic objective of the National Plan to Combat Drugs of the Government of the Republic of Colombia is within the competency of the Ministry of National Defense, and specifically the Colombian Navy, and therefore supported by this Appendix:

- Strategic Objective Number 2: To combat the production, traffic and the distribution of drugs, and the infrastructure which supports the business of illicit crops.

## **II. Project Description**

A. The project to modify a Navajo aircraft (ARC 508) assigned to the Ministry of National Defense - Colombian Navy, is designed to assist and enhance the capability of the Colombian Navy to conduct maritime interdiction and intelligence operations that are in support of antinarcotics operations of the Colombian Public Forces, especially the Colombian Armed Forces and the Antinarcotics Directorate of the Colombian National Police, against the trafficking, and transport of illicit narcotics, and any other crime related to this illicit activity. The specific project will modify one Colombian Navy Navajo aircraft for use in maritime interdiction and intelligence operations. Specific counternarcotics goals in support of this national strategy objective are listed in Sub-Appendix A.

B. The Narcotics Affairs Section of the U.S. Embassy in Colombia, will be the designated representative (Operative Party) for administering the day-to-day provisions of this project on behalf of the Government of the United States of America. The Narcotics Affairs Section will be assisted by the by the U.S. Military Group, specifically, the Navy Mission. The Colombian Navy of the Ministry of National Defense will be the designated representative (Operative Party) for administering the day-to-day provisions of this project on behalf of the Government of the Republic of Colombia.

C. Specific projects to be funded by the Government of the United States of America under this Appendix will be developed by the Colombian Navy and agreed upon by the Operative Parties before they are funded, and will be subject to the availability of duly appropriated and authorized funds.

D. Modification to this Appendix may be made as jointly agreed by the Parties and issued as amendments to this Appendix.

### III. Responsibilities of the Ministry of National Defense and the Colombian Navy

A. The Ministry of National Defense and the Colombian Navy accept that the equipment provided for the Navajo aircraft modified under this Appendix will be operated as a national asset in a manner consistent with the Bilateral Counternarcotics Project between the Government of the United States of America and the Government of the Republic of Colombia, according to the laws and regulations applicable in each country. This aircraft is to be used by the Colombian Navy for counternarcotics maritime interdiction and intelligence missions, except in times of natural disaster or other emergencies in order to prevent the loss of life or to engage in other humanitarian undertakings. To such end, all missions will be planned, approved and commanded by the Colombian Navy. All the missions will be carried out in accordance with the objectives of this Appendix and will be subject to prior or after-the-fact supervision by representatives of the Government of the United States of America designated for this purpose. This supervision will be based on the review of the flight records and reports submitted by the officers designated by the Colombian Navy Command. Representatives of the Government of the United States of America may fly periodically as observers on missions.

B. The Colombian Navy will provide the crew members with the adequate resources to carry out maritime interdiction and intelligence missions and is responsible for all costs related to military personnel, such as salaries, expenses and support for travel within Colombia, and personnel equipment and uniforms, unless otherwise agreed by the Operative Parties.

C. The Colombian Navy will ensure effective day-to-day operation of the Navajo project by providing adequate funding for normal operational, training and administrative related expenses, such as fuel and maintenance costs, rents and utilities, and domestic long-distance telephone costs, using the Colombian Navy administrative communications network as much as possible.

D. The Colombian Navy agrees to collaborate and coordinate the planning and execution of the Navajo operations with the General Commander of the Colombian Military Forces, and will support requirements, when necessary, from the Colombian National Police (specifically the Antinarcotics Directorate), and, as appropriate, the United States Embassy, in order to maximize the overall efficiency of maritime surveillance and intelligence missions in Colombia. In a similar manner, the Colombian Navy agrees to share and disseminate the information gathered during Navajo operations with these institutions in an efficient and timely manner.

E. The Ministry of National Defense and the Colombian Navy agree not to authorize the re-export, resale or other disposition of any equipment and articles provided under this Appendix outside of Colombia without prior written approval

of the Government of the United States of America. The Ministry of National Defense and Colombian Navy agree that these items will be used to further the purposes identified in this Appendix, and thereby, the bilateral narcotics control efforts.

#### IV. Responsibilities of the Government of the United States of America

A. The Government of the United States of America will modify and upgrade up one existing Colombian Navy Navajo aircraft to be used in counternarcotics maritime interdiction and intelligence missions in accordance with Section 484(a)(1) of the 1961 U.S. Foreign Assistance Act (as amended). The modernization project includes the installation of an airborne radar, FLIR, and communications intelligence equipment subject to the availability of funds. Additionally, the Government of the United States of America will provide some limited logistics support. This modification process will be carried out in the United States of America. The aircraft will be turned over to the Colombian Navy, tested and inventoried, in the United States of America, from which the aircraft will be ferried by the Colombian Navy crews to Colombia, with the financial and operational support of the Government of the United States of America.

B. Funds of the Government of the United States of America in support of this project will be provided under this Appendix from funds appropriated to the Department of State Bureau of International Narcotics and Law Enforcement Affairs; such funding support will be specified in cover sheets. The Colombian Navy may receive financial, material, technical and other assistance from the Government of the United States of America. The Government of the United States of America may provide additional funding based on progress made to achieve the objectives of the project.

C. The Government of the United States of America recognizes that this aircraft is assigned to the Ministry of National Defense - Colombian Navy. There will be no change in its status as a result of this modification project.

#### V. Project Goal and Achievement Verification

A. The specific goal of the project is to assist the Colombian Navy in conducting maritime interdiction by operating and maintaining the Colombian Navy aircraft and the equipment provided under this Appendix to the Ministry of Defense - Colombian Navy - Navajo Project, in a safe, efficient and effective manner. Detailed objectives to achieve the overall goal stated above are outlined in Sub-Appendix A. Assigned personnel of the Ministry of National Defense and the Embassy of the United States will verify project achievement through operational

liaison and observation, flight records, mission reports and by official Government of the Republic of Colombia records, available as needed, of arrests, seizures, destruction of narcotics contraband and convictions of narcotics law violators.

B. The Operative Parties agree to jointly review, at regular intervals during the life of the project, the progress of and the personnel assigned to the project. Each Operative Party will assign qualified personnel to participate in the monitoring and evaluation process.

#### VI. Ownership

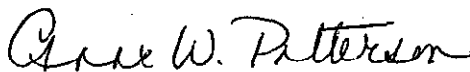
The inclusion of the Navy Navajo Aircraft (ARC 508) to this project does not transfer or limit the prerogatives of the Minister of National Defense in its provisional assignment of the aircraft.

#### VII. Termination

This Appendix shall enter into force, and may be terminated, in accordance with the provisions of Section III, Paragraph I of the Annex.

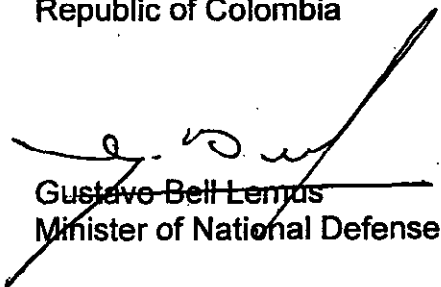
Signed in the city of Bogota, D.C., on July 31, 2002, in duplicate in the English and Spanish languages, each text being equally authentic.

For the Government of the  
United States of America



Anne W. Patterson  
Ambassador

For the Ministry of National Defense  
Republic of Colombia



Gustavo Bell Lemus  
Minister of National Defense

SUB-APPENDIX A TO APPENDIX 15

TO THE ANNEX TO THE  
GENERAL AGREEMENT FOR ECONOMIC, TECHNICAL AND  
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BETWEEN  
THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND  
THE GOVERNMENT OF THE REPUBLIC OF COLOMBIA

COLOMBIAN NAVY NAVAJO (ARC-508) MODIFICATION PROJECT

PROJECT GOALS AND OBJECTIVES

Strategic Objective Number 2: To combat the production, traffic and the distribution of drugs, and the infrastructure which supports the business of illicit crops.

Goal 4: Control the traffic and distribution of illicit drugs

2-4-1: Strengthen the mechanisms of control and interdiction of the means of communication for the distribution.

2-4-2: Continue to strengthen maritime interdiction

2-4-3: Exercise effective control on the national road and river networks susceptible to narcotics trafficking.

2-4-4: Location and targeting of illegal drug activities to include laboratories and transportation networks.

Measures of Effectiveness: Increase in number of operations resulting in detection of illegal drug activities and interception and destruction of illegal vessels, in operations conducted by the Navajo aircraft.

2-4-5: Improve Counternarcotics intelligence collection and sharing:

Establish a system for the planning, tasking, and execution of aerial surveillance missions, and sharing of the intelligence information generated by those missions to ensure that the Navajo aircraft modernized under this Appendix support, as available, the counternarcotics intelligence requirements of the Ministry of National Defense, the General Command, the Military Forces, and the National Police (Antinarcotics Directorate), as well as of the U.S. Embassy in Bogota.

Measures of Effectiveness: Satisfaction of the different consumers (listed above) of the intelligence generated by the Navajo aircraft that their intelligence requirements are being met in an efficient and effective manner. Measured by the percentage of Requests for Information fulfilled within the desired time periods.

2-4-6: Modify and field the Navajo aircraft and train Colombian Navy personnel to operate the installed systems within the first nine months of 2002.

2-4-7: Increase Colombian Navy's ability to train its own personnel in as many areas as possible.

Measures of Effectiveness: The Colombian Navy will establish a training program to conduct in-country upgrades of pilots and maintenance personnel so that, over time, Navy personnel will not need to be trained in the United States for this aircraft.

2-4-8: Improved operational rates of the Navajo aircraft.

Measures of Effectiveness: Sustain the maintenance system for the Navy Navajo aircraft to maintain an operational readiness rate of at least 75 per cent.

APPENDIX 16

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BETWEEN  
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PROJECT: REESTABLISH COLOMBIAN NATIONAL POLICE PRESENCE IN  
CONFLICTED ZONES

Under the Annex to the General Agreement for Economic, Technical and Related Assistance between the Government of the United States of America and the Government of the Republic of Colombia, signed on September 27, 2000 (the "Annex"), the Government of the United States of America accepted to furnish financial, material, economic, technical and related assistance to the Government of the Republic of Colombia designed to strengthen the capability of the Government of the Republic of Colombia in support of the 1988 United Nations Convention Against Illegal Traffic in Narcotic Drugs and Psychotropic Substances, to which both Colombia and the United States are signatory parties, the Plan Colombia national strategy, and the Government of the Republic of Colombia's National Plan to Combat Drugs.

By means of this Appendix, and as contemplated by Section II (Project Descriptions) of the Annex, the Government of the United States of America and the Government of the Republic of Colombia (each individually a "Party" or, collectively, the "Parties") agree to a project to support the Reestablish Colombian National Police Presence in Conflicted Zones and any related project activities. This Appendix sets forth the actions to be taken, resources to be provided, and the evaluations, verifications, audits and additional administrative and fiscal controls required to implement the project according to the laws and regulations of the Parties. This Appendix is incorporated into the Annex, and the rights and obligations contained in the Annex extend to this Appendix and its Sub-Appendices.

Whereas given the violent circumstances, generated by the increase in the trafficking of illicit drug and related activities, and aggravated by the conditions in some rural regions which are also zones of internal conflict, it is necessary to reestablish and strengthen the presence of the Colombian National Police in



those zones, in order to contribute to fulfilling the need for security and tranquility in these rural areas.

#### **I. Strategic Objective to be Supported**

- Establish or reestablish National Police presence and enhanced public security in the conflicted zones of Colombia

#### **II. Project Description**

A. The project to Reestablish Colombian National Police Presence in Conflicted Zones is designed to assist and enhance the capability of the Colombian National Police in establishing or reestablishing police presence and enhanced public security in the conflicted zones of the Republic of Colombia, thereby laying the foundation for maintaining the Rule of Law. Specific project goals in support of this national strategic objective are contained in Sub-Appendix A.

B. The operational concept to reestablish police presence in Conflicted Zones has two phases. Phase I is the deployment of special Colombian National Police *Carabinero* Squadrons to the targeted municipality to establish a secure base and begin the process of restoring public security. Phase II is the construction of a secure, permanent police installation with a permanently established police unit. The *Carabineros* Squadron(s) would be released to deploy to the next targeted municipality as part of a national program, or remain assigned to the area. Additional *Carabineros* Squadron(s) would be created as required by the progress of the project. Detailed tasks are:

- Coordinate with National-, Departmental-, and Municipality-level authorities to establish the priority of tasks for establishing or reestablishing police presence and enhanced public security.
- Organize, train, equip, deploy, accommodate and support the *Carabinero* Squadrons with the mission of establishing or reestablishing police presence and enhancing public security in designated municipalities and security to the construction of secure permanent police installations.
- Organize, train, and equip National Police units that will be assigned permanently to the designated municipality.
- Establish the public liaison and intelligence networks to enhance the local security of the *Carabinero* Squadrons and permanent police installations.
- Establish a communications architecture so that *Carabinero* Squadrons and permanent units can rapidly and reliably communicate with appropriate levels

of the National Police and Colombian military, to ensure reinforcement in case of impending or actual attack.

- Coordinate procedures for requesting and receiving support from reinforcing military and police units.
- Design and construct secure temporary and permanent National Police installations in the targeted municipalities. Designs should adopt standard specifications for temporary and permanent installations with the capacity for structural or area enhancements to meet future threat developments and allow for off-site, production-line prefabrication from available construction materials. The adoption of standard specifications should ease design, planning and execution; transportation by air, water or road; ensure nationwide conformity of security standards; save manpower and costs; allow re-use (of temporary installations) and allow lower skill levels for construction.

C. The Narcotics Affairs Section of the U.S. Embassy in Colombia, will be the designated representative (Operative Party) for administering the day-to-day provisions of this project on behalf of the Government of the United States of America. The Colombian National Police will be the designated representative (Operative Party) for administering the day-to-day provisions of this project on behalf of the Government of the Republic of Colombia.

D. Specific projects to be funded by the Government of the United States of America under this Appendix will be developed by the Colombian National Police and agreed upon by the Operative Parties before they are funded, and will be subject to the availability of duly appropriated and authorized funds.

E. Modification to this Appendix may be made as jointly agreed by the Parties and issued as amendments to this Appendix.

### III. Responsibilities of the Ministry of National Defense and of the Colombian National Police

#### A. Project Planning

1. The Colombian National Police will develop detailed plans for each major project to be funded by the Government of the United States of America under this Appendix. The Colombian National Police shall submit these project plans to the Narcotics Affairs Section of the U.S. Embassy for consideration and approval. These project plans, which will be considered as Sub-Appendices to this Appendix, will not contain new commitments different to the ones established in this Appendix and shall have, as a minimum, the following components:

- a) Specific project objectives
- b) Specific responsibilities
- c) Project tasks, time lines and milestones
- d) Source of funding
- e) Minimum project security requirements
- f) Construction projects shall include sufficient design and specifications to permit contract solicitation and award

The construction projects shall include an agreed date to review and define the designs and specifications to identify the project to be executed.

2. The Ministry of National Defense through the Colombian National Police shall provide the Government of the United States of America, including its contractors, sufficient infrastructure support for the efficient implementation in support of the project, as mutually agreed between the Operative Parties. This access shall include the use of offices, airfields, hangers, maintenance and storage facilities, and housing, without charge or rent or any other benefits, according to the base capability.

#### **B. Personnel**

1. In compliance with the Annex, all police units supported under this Appendix will be certified for Human Rights in accordance the procedures established between the U.S. Embassy in Colombia and the Ministry of National Defense.

2. Within the framework of its legislation and internal policy, the Colombian National Police shall assign sufficient numbers of police and civilian personnel to this project, as indicated in the agreed Tables of Organization and Equipment to support the successful outcome of this project. The Colombian National Police will be responsible for all costs related to personnel services, such as salaries, benefits, per diem and travel within Colombia, personal equipment and uniforms, unless otherwise provided for in this Appendix or mutually agreed to by the Operative Parties. Keeping in mind the investment in training and instruction of the assigned personnel, the Colombian National Police intends to minimize rotation of personnel trained for this project.

#### **C. Funding**

1. The Ministry of National Defense through the Colombian National Police will assume increasing responsibility for the management and effective use of the equipment and training provided by the Government of the United States of America in support of this project. This will be done by establishing appropriate project plans to ensure that police personnel responsible for operations and project administration are fully qualified in the establishment of management

controls that satisfy the requirements of the Government of the United States of America, while encouraging greater independence from direct assistance of the Government of the United States of America. The Operative Parties will conduct, jointly, a series of audits to help improve the efficiency and effectiveness of the project, as well as to ensure proper management of funds. Any discrepancies that may be encountered will be communicated immediately, directly and privately, to the corresponding party.

2. The Ministry of National Defense through the Colombian National Police will ensure that adequate funds are available for the proper operations, maintenance and sustainment of any equipment provided by the Government of the United States of America under this Appendix. Unless otherwise agreed by the Operative Parties, support from the Government of the United States of America will not be used for such purposes.

3. In accordance with section III. C.3 of the Annex, the Ministry of National Defense shall promptly notify the United States Embassy in Colombia if it, or any institution of the Government of the Republic of Colombia, insures any article provided by the Government of the United States of America under this Appendix, in order that the Parties may establish the procedures for administering any funds resulting from any related insurance payment or settlement.

#### D. Construction

1. The Ministry of National Defense through the Colombian National Police is responsible for acquiring, either through purchase or transfer of title or the construction rights, all properties (lots) on which police installations will be constructed. The Ministry of National Defense through the Colombian National Police shall ensure that present and future physical security of the permanent installations to be constructed is fully considered when selecting and acquiring the land, including the requirement that sufficient property be acquired to allow for adequate stand-off distances and other security measures.

2. The Ministry of National Defense through the Colombian National Police are responsible for coordinating and obtaining any permission or license required from any level of the Government of the Republic of Colombia, that is, national, departmental, or municipal, and necessary for the execution and completion of any construction project in conjunction with this Appendix. The Ministry of National Defense through the Colombian National Police will verify and certify that the titles and rights of the properties where any project is to be executed are the property of the Ministry of National Defense, and are exempt of limitations or obligations. Likewise, the Ministry of National Defense and Colombian National Police will be responsible for access to the real estate property necessary for the

execution and completion of the project, including but not limited to access to the work place and any support installation.

#### IV. Responsibilities of the Government of the United States of America

##### A. Funding

1. Funds of the Government of the United States of America in support of this project will be provided under this Appendix from funds appropriated to the Department of State Bureau of International Narcotics and Law Enforcement Affairs; such funding support will be specified in cover sheets. The Colombian National Police may receive financial, material, technical and other assistance from the Government of the United States of America in the following areas:

- a) Training
- b) Equipment
- c) Construction
- d) Operational Support
- e) Advice

2. Funds of the Government of the United States of America will also be used to pay for audits (by either commercial entities or auditors of the Government of the United States of America) of any and all aspects of the project funded by the Government of United States of America under this Appendix.

3. Funds of the Government of the United States of America may not be used to purchase any land or other real property.

##### B. Technical Assistance

To assist in the administration of the project, the Government of the United States of America may fund headquarters and field advisors to work with the Colombian National Police. Other specialists may be contracted for specific, short-term projects. The explicit goal of these advisors is to assist both Operative Parties on the efficient and effective administration of the projects funded by the Government of the United States under this Appendix and support the Colombian National Police in the development and implementation of other projects of mutual interest.

##### C. Training

Under this Appendix, the Government of the United States of America may fund intermediate and advanced training of police personnel, based on mutually

developed annual training plans. Training courses will be provided from schools and installations of the Government of the United States of America, or from U.S. instructors in Colombia, and/or from other entities.

#### **D. Construction**

The Government of the United States of America will provide funding and technical assistance in the construction of temporary and permanent bases and installations for the Colombian National Police, as specified in the project plans mutually agreed by the Operative Parties. In special and limited circumstances, the Government of the United States of America may construct offices or other facilities necessary to carry out its mission as agreed by the Operative Parties.

#### **E. Contracted Personnel**

The Government of the United States of America may provide funds for contracting mutually agreed personnel, provided that a proven need exists for the position and that police uniformed or civilian personnel cannot fill the requirements. A training and replacement plan will be prepared for each contracted position.

#### **V. Project Objectives and Goals and Achievement Verification**

A. The long-term objectives and goals of this project are to assist the Colombian National Police to reestablish police presence and public security in different areas of Colombia. Specific goals are set forth in Sub-Appendix A. Assigned personnel of the Ministry of National Defense and the Government of the United States of America will verify project achievement through operational liaison, official records, and observation.

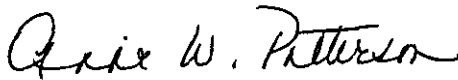
B. The Operative Parties agree to jointly review, at regular intervals during the life of the project, the progress of and the personnel assigned to the project. Each Operative Party will assign qualified personnel to participate in the monitoring and evaluation process.

#### **VI. Termination**

This Appendix shall enter into force, and may be terminated, in accordance with the provisions of Section III, Paragraph I of the Annex.

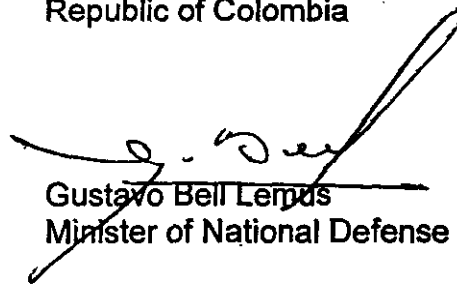
Signed in the city of Bogota, Colombia on July 31, 2002, in duplicate in the English and Spanish languages, each text being equally authentic.

For the Government of the  
United States of America



Anne W. Patterson  
Ambassador

For the Ministry of National Defense  
Republic of Colombia



Gustavo Bell Lemus  
Minister of National Defense